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Docket No.: 60601CIP(50553)
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
David H. Farb et al.

Application No.: 10/627,498

Confirmation No.: 3267

Filed: July 25, 2003

Art Unit: 1646

For: EFFECT OF STEROIDS ON NMDA
RECEPTORS DEPENDS ON SUBUNIT
COMPOSITION

Examiner: R. Li

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed January 31, 2006, Applicants hereby provisionally elect claims 1-3 and 12-33 (Group I) for continued examination, with traverse.

The Examiner has required restriction between:

- I. Claims 1-3 and 12-33, drawn to a method for identifying a subunit specific modulator of the NMDA receptor, classified in class 435, subclass 7.1.
- II. Claim 34, drawn to a method for inhibiting NMDA receptor mediated ion channel activity in an individual in need thereof, classified in class 514, subclass 1.

In addition, the Examiner has required a species election:

- a. NMDA receptors with identical NR1 subunits and different NR2 subunits.
- b. NMDA receptors with different NR1 subunits and identical NR2 subunits.

Applicants hereby elect species having NMDA receptors with identical NR1 subunits and different NR2 subunits.

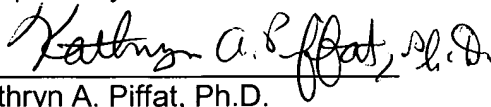
The Commissioner may require restriction if two or more independent and distinct inventions are claimed in a single application (37 CFR 1.142(a)). In the present case, although the claimed subject matter may be classified in different classes, the additional searching burden posed by the present case should be minimal.

Prior to an allowance on the merits, Applicants expect that the Office will conduct a thorough search of the elected claims including, but not limited to, the invention encompassed by the species election.

If the Examiner is aware of another method to make the product as claimed, using a process which is materially different from that set forth in the restricted claims, applicant respectfully requests the Examiner to substantiate his position in greater detail. Otherwise, it is respectfully requested that the restriction requirement be withdrawn, and that each of claims 1-3 and 12-34 and both species presently pending in this application be examined.

Dated: May 25, 2006

Respectfully submitted,

By 
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